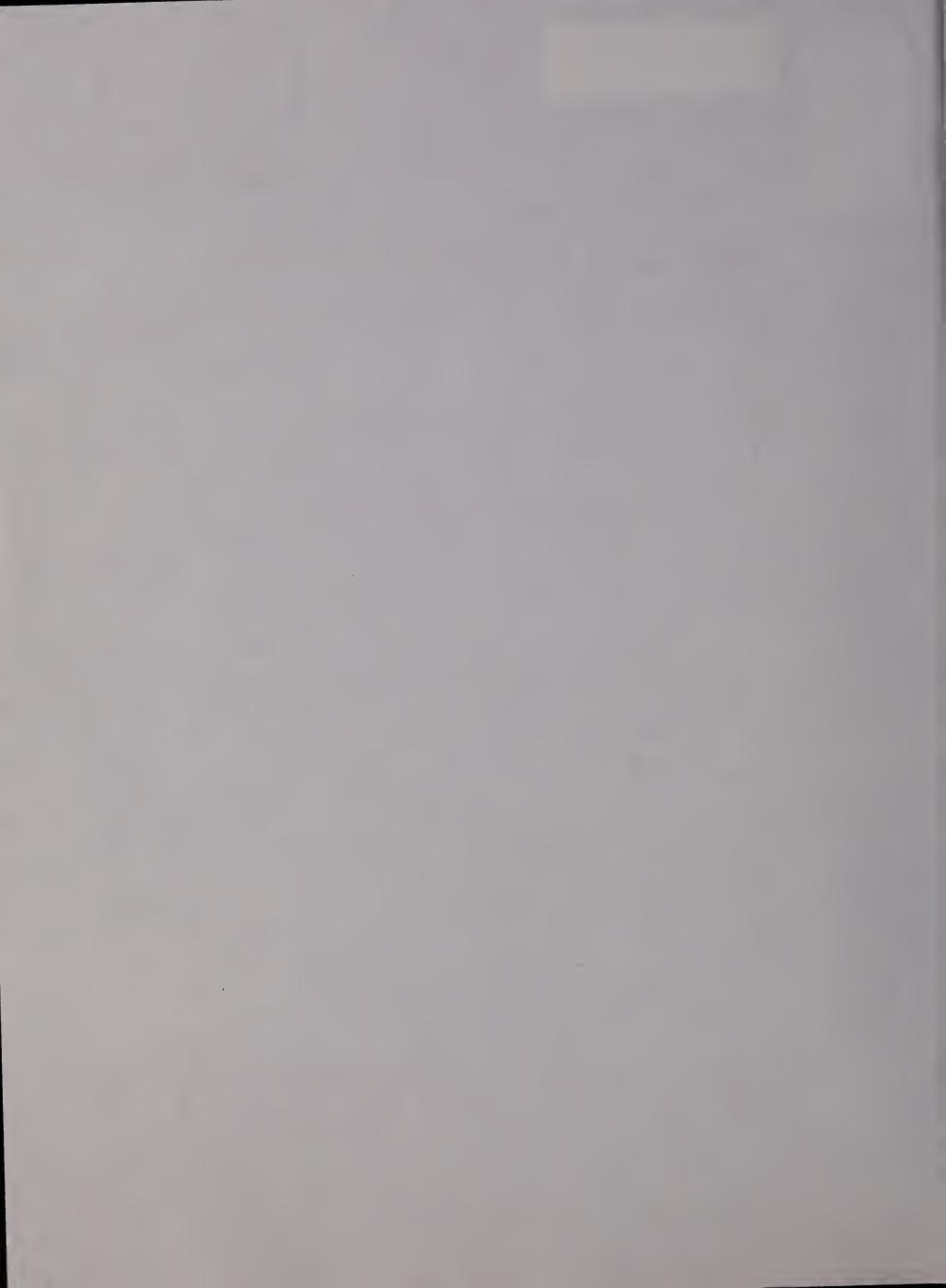


MASSACHUSETTS COMMISSION ON INDIAN AFFAIRS



2004 Annual Report

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Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT COMMISSION ON INDIAN AFFAIRS

Mitt Romney, Governor ◆ Kerry Healey, Lt. Governor

Jane Wallis Gumble, Director, DHCD ◆ John Peters, Jr., Executive Director

October 18, 2005

Dear Governor Romney:

On behalf of the Massachusetts Commission on Indian Affairs, I am pleased to present the Commission's Annual Report for 2004. This report provides some of the highlights of the Commission's programs, work in progress, and other activities during the year.

This past year we continued our efforts on being responsive to the issues and concerns of the American Indian population of the Commonwealth. In doing so, the Commission continued its role as mediator between competing Native groups and, at times, Native groups and departments of the Commonwealth.

This office continued its participation in projects such as the Boston Harbor Islands Partnership, Deer Island Memorial, Native Graves, Indian Religious Freedom; Socioeconomic development projects, cultural ceremonies, and various educational initiatives.

We look forward to working with your administration as we strive to fulfill our legislative mandate and assist the Native population for the Commonwealth.

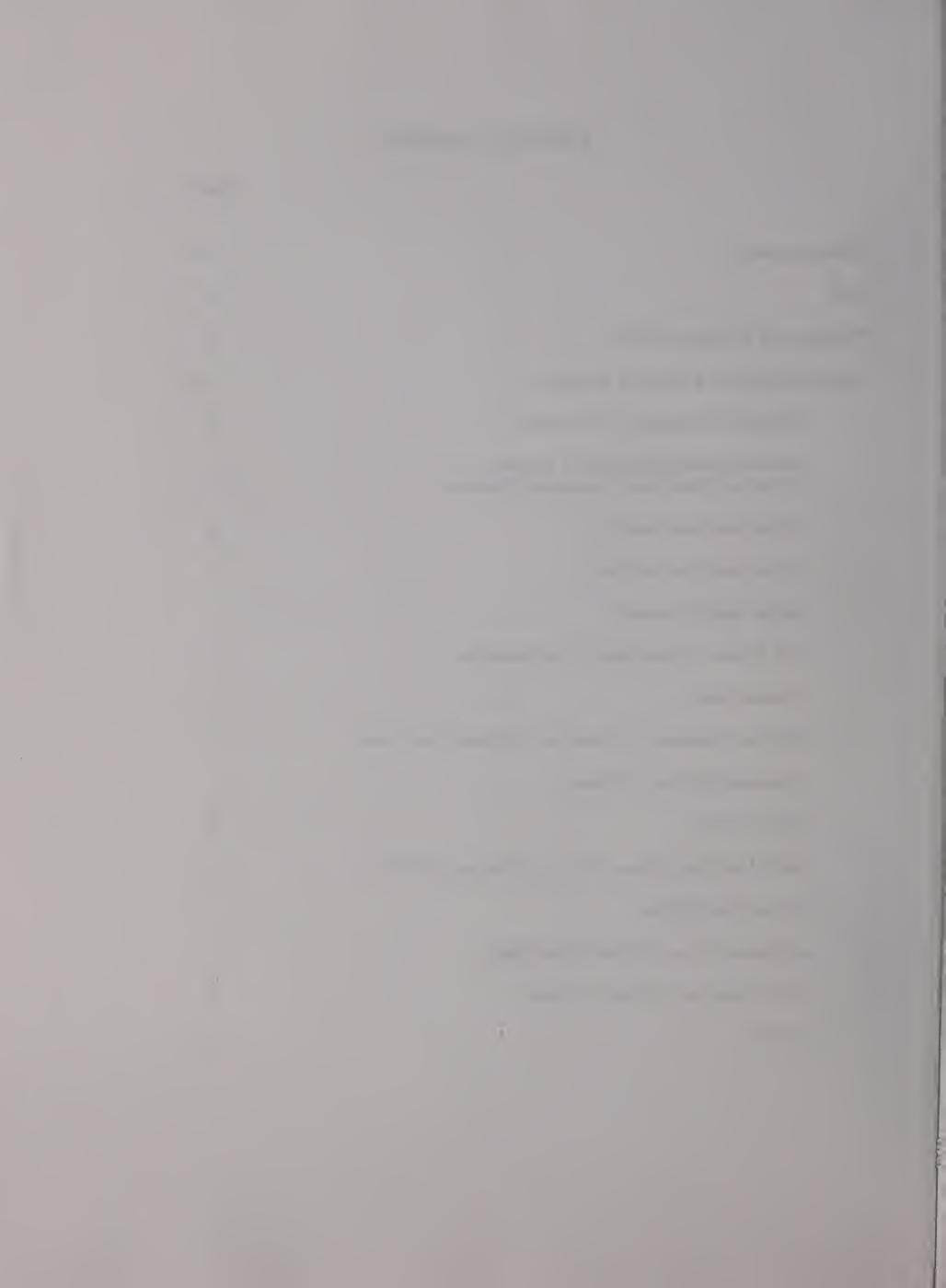
Respectfully submitted

John Peters, Jr. Executive Director



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Year 2004 Commissioners



Maurice L. Foxx, Chairperson, is a member of the Mashpee Wampanoag Tribe. He earned a degree in Mechanical Engineering at Northeastern University. In 2002, he retired from Faneuil Hall Marketplace in Boston as the Director of Technical Services. He became a member of the Commission on Indian Affairs in 1995 and currently serves as Chairman. He is also Chairman of the Mashpee Wampanoag Tribal Museum restoration Committee where he was instrumental in persuading the Town of Mashpee to turn over certain lands to the tribe. In addition, Maurice sits on a number of boards and committees including the Advisory Council for Plimoth Plantation's Wampanoag

Indigenous Program, the Pilgrim Society Advisory Board, and the Mashpee Wampanoag Powwow committee. A few years ago, he collaborated with Children's Museum in Boston on the development of their Wampanoag website.

Janice Poodry Falcone grew up on the Tonawanda Seneca Reservation in upstate New



York. She has lived in Massachusetts for 40 years and has worked at the North American Indian Center of Boston and the Boston Indian Council since 1975. A former public school teacher, Janice taught electronics courses at the Indian Center before becoming the Director of Employment and Training. Her goal has always been to assist Indian people to a better life for themselves and their families.

Although her father was a Sachem chief of the Seneca Nation for 40 years, Janice is a member of her mother's Onondaga Nation turtle clan. Janice was appointed to the Commission on Indian Affairs in March of 1995. She

continues to advocate for education and training opportunities for Native youth and adults.

Janice's most recent involvement has included being appointed to the National Native American Employment and Training Council for the U.S. Department of Labor. She currently is a member of the council's workgroups advocating on a National level to encourage opportunities for the advancement of Indian communities. A mother and grandmother Janice has had the honor and privilege of working with and for the Indian community for many years. She continues to enjoy the accomplishments of many Indian people.

Cheryll L. Holley is a Nipmuc from Worcester, MA. She became a member of the



Commission on Indian Affairs in October of 1998. She attended Howard University in Washington, DC and served in the U.S. Army Medical Corp for several years. She holds a BA in History. The mother of three schoolage daughters, she is currently a dialysis nurse at UMass Memorial Hospital in Worcester. She is a founding member and current Project Director of the Nipmuc Indian Development Corporation, a non-profit agency dedicated to increasing self-sufficiency in Native people both as a whole and as individuals. She serves on different committees for the Nipmuc Nation including chair of the Genealogy Committee.



TroyW. Phillips is a Nipmuc who was born and raised in Western Massachusetts where he



also resides. An advocate of Indian issues for many years, Troy has represented the Nipmuc Nation on the "Boston Harbor Island Project." In 1997 he started "Ayeutean," a Native organization that provides knowledge, education and traditions of Eastern Native culture. As a traditional dancer, he travels throughout Indian country with his young daughter Anna.

After several years of college and serving in the U. S. Army, he now is a self employed home improvement contractor.

Troy was appointed the Commission on Indian Affairs in October 2003. His long term involvement with the Native communities and organization has

proven beneficial in carrying out some of the Commission's goals and objectives for that region of the state.

Dr. Herbert R. Waters, Jr. was appointed to the Commission on Indian Affairs on March



24, 1995. A member of the Wampanoag community, he is a life-long resident of the New Bedford-Dartmouth area. He graduated from Providence College and immediately entered the U.S. Marine Corps as a Second Lieutenant. After serving in the USMC, he accepted a teaching position in Dartmouth and then transferred to the New Bedford School Department where he taught for thirty-seven years. For twenty-two of those years, he was the principal of Sgt. Wm. H. Carney Academy, an institution that was known statewide as an outstanding place of learning with emphasis on multi-cultural education and progressive/innovative methods and techniques for learning. Commissioner Waters has been

involved in Indian Affairs for his entire adult life encompassing curriculum development, assisting Slow Turtle and Drifting Goose during the 70's reorganizing effort, and the social/political struggles of Indian people. He is married and has five children, all of whom are college graduates and have served the country in the U.S. Marine Corps and the U.S. Army.

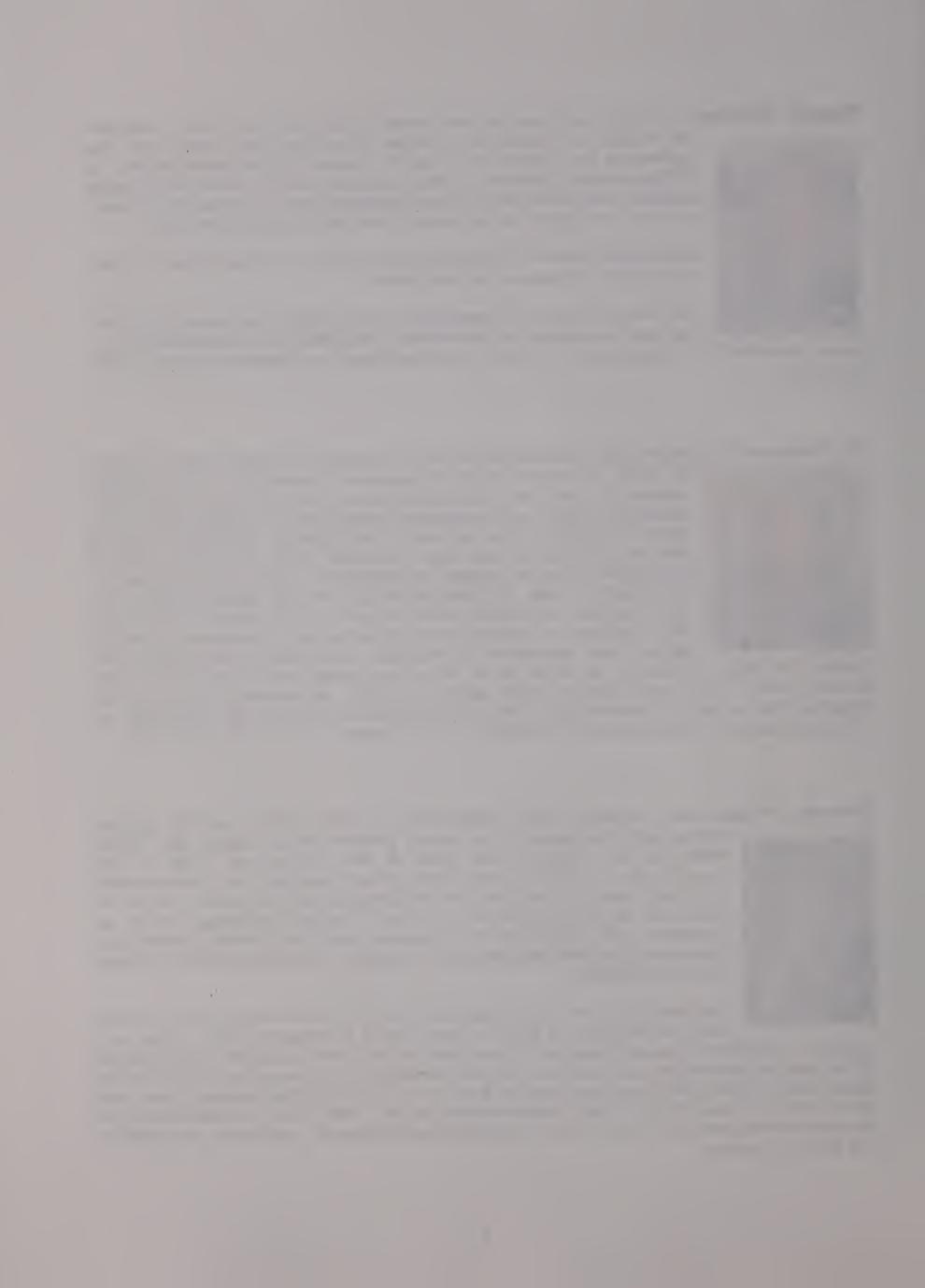
Beverly Wright was appointed to the Commission in October 2000. As Chief Elected



Official and Chairperson of an eleven member Tribal Council, Ms. Wright maintains the integrity and goals of the Wampanoag Tribe of Gay Head/Aquinnah. She has been Chairperson for ten years and was re-elected to a fourth term in June 1999. Before being elected Chairperson, she served the Tribe for twelve years as a Council member, including a term as Treasurer. She has also been a Director of the Title IX Indian Program and was one of the founding committee members of the Aquinnah Wampanoag Housing Authority.

Ms. Wright has been vice-President for 6 years and currently serving a third term as Secretary of USET (United South & Eastern Tribes). She is a

member of the NCAI (National Congress of American Indians), and a member of the Female Tribal Leaders Association. Ms. Wright is currently serving as a representative of USET to the Indian Health Tribal Self Governance Advisory Board, the National Budget Advisory Board and the Bureau of Indian Affairs/Tribal Budget Advisory Council. She is also a Board member of the international Advisory Council for the Native Nations Institute in Leadership, Management and Policy in Arizona.



Staff

John "Jim" Peters, Jr., Executive Director

Hired in May 2000, Jim has had several years to settle into his new position as the Executive Director of the Commission. Prior to joining the Commission, Jim held a number of positions with New England Tribes, the most recent, a Career Development Counselor with the Mashantucket Pequot Tribe of Connecticut. He was the Executive Director for his own tribe, the Mashpee Wampanoag Indian Tribe on Cape Cod, and held the position of Tribal Planner and Tribal Programs Administrator for the Narragansett Tribe in Rhode Island. He also served as a Town Planner for the Town of North Kingstown in Rhode Island.

Jim earned a Bachelors Degree in Business Administration and a Masters Degree in City Planning. Aside from his employment and educational background, he has participated in many cultural, social, and historic Native American events that have taken place in Southern New England over the past 30 years.

Burne Stanley, Part-Time Administrative Assistant

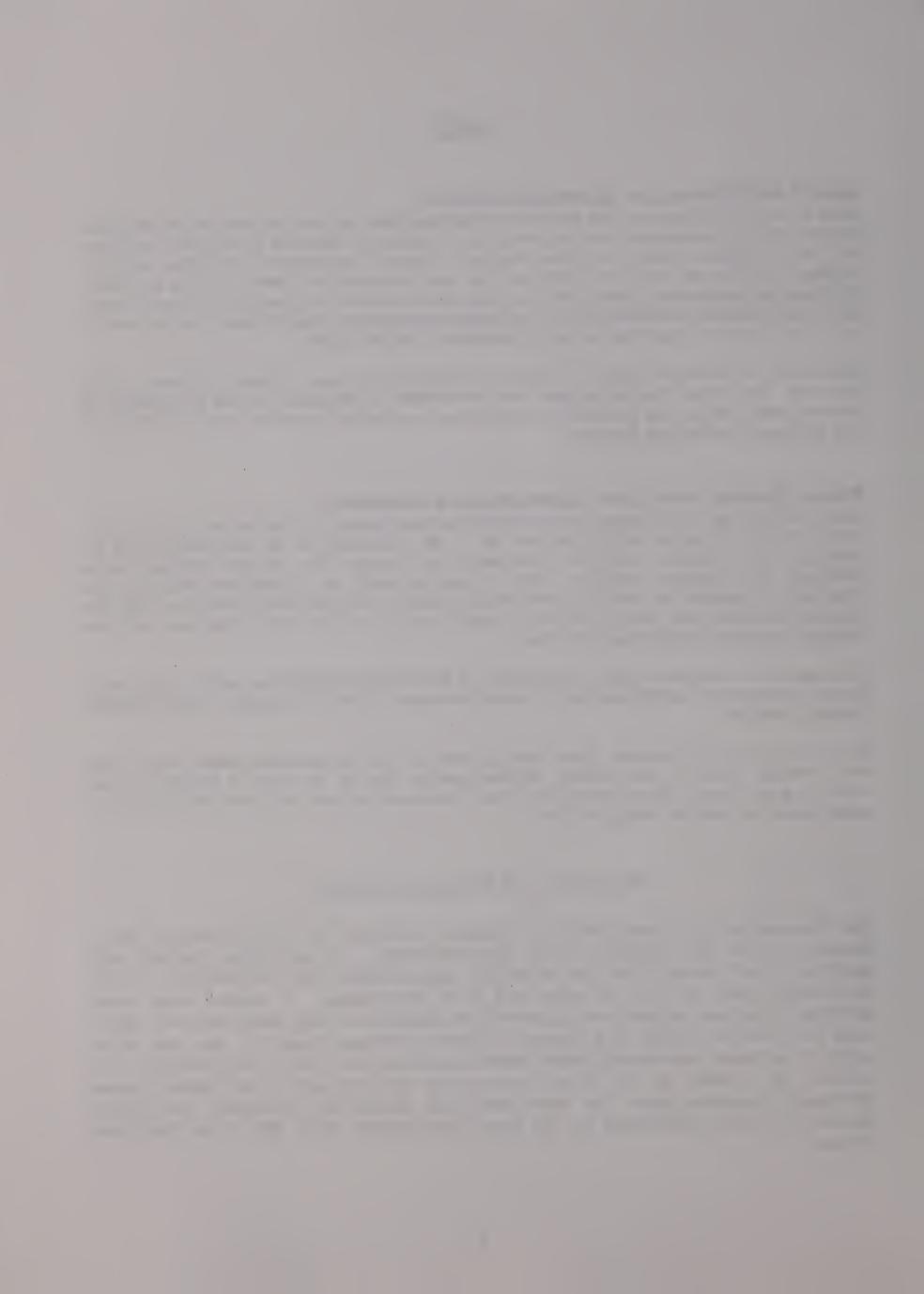
Associated with the Commission since 1979, Burne has become a valuable asset to the office. Having worked in several capacities, she has a vast knowledge of the Commission and its operation. Her positions with the Commission have ranged from fill-time employee, to a volunteer, to a contract employee. She is now on-board as a part-time Administrative Assistant.....a position she has held since January 2001. Through her long association with the Commission, Burne has come to know and work with most of the tribes in the state and has developed valuable relationships with them.

Although her employment experience has been in Business Administration and in Accounting, Burne's educational background is in Communications, a field she majored in at Emerson College in Boston.

For over two and a half decades, Burne has attended and been involved with many of the social and cultural events in and around Massachusetts. This is her way of embracing and celebrating her Pequot/Mohegan ancestry. Native American cultural activities continue to be a major part of her and her daughters' lives.

Purpose and Responsibilities

The Commission is charged with investigating problems that are common to Native Americans who are residents of the Commonwealth. It is further charged with assisting tribal councils, Native American organizations, and individuals in their relationship with agencies of state and local government. It assists with social services, education, employment opportunities, health, housing problems, civil rights, legal aid, treaties, taking of a census of Native American residents, and any other rights or services concerning Native American residents of the Commonwealth. In addition, it provides for the burial expenses for the remains of any person whose previously unknown grave has been disturbed, forcing its relocation, and whose identity has been determined by the state archaeologist to be that of an American Indian.



Accomplishments & Work In Progress

Democratic National Convention

Boston hosted the July 2004 DNC and despite the extremely tight security, it was a momentous event. History was made where 85 Native American delegates participated. A Caucus was held and subcommittees were formed to research and make recommendation to Congress on a number of key issues that confront Indian Country. Some of those committee topics were Trust Reform, Land and Natural Resources; Health Care; Housing, Infrastructure, and Economic Development; Justice, Law Enforcement, Justice and Homeland Security. The Massachusetts Commission participated in the Housing and Health Care committees.

University Of Massachusetts Boston College of Public and Community Service

Education has been a primary objective of Massachusetts Natives since they were deceived by the first deeds that were imposed upon them by the Colonist. They have spent generations playing catch up to a complex constantly changing structure that has invariably been contrary to their traditional way of life. We have found it useful to be open to innovative approaches in education and other forms of resource opportunity. The UMASS-BOS CPCS distance learning component has been one of those opportunities that is flexible enough to adjust to the particular needs of the community and student.

Our initial class began in Mashpee in September of 2002 where each student was interviewed to assess their formal educational attainment, work history and life experiences. Considering the curriculum of established Community Development Programs of the University, credit was granted for educational attainment. Competencies to be attained were negotiated, with the balance of academic requirements to be accomplished through online class work. A number of support forums were held such as writing, basic statistical analysis, and group discussions on the overall topic.

A similar arrangement was offered to the Aquinnah Tribe on Martha's Vineyard Island. To date five students have graduated from the program.

Native American Institute: An Institute for New England Native Americans

In the six New England states there was no University based Institute or Center led by Native experts or devoted to the community development issues of Native tribes. There have been initiatives and activities at several major institutions (most notably Dartmouth College, Harvard University, Brown University, and University of Massachusetts Amherst) that focus more academically on cultural and educational issues, but all are less focused on New England development concerns. Given the state of development and overlapping concerns of many New England tribes it seemed the time for a full-fledged university based Institute.

In pursuit of this goal, a group of Massachusetts Tribal leaders began to discuss a Native American Institute at meetings sponsored by the W.K. Kellogg Foundation's



Beyond Outreach Pilot Project at the College of Public and Community Service, U Mass Boston.

A proposal was submitted to the W.K. Kellogg Foundation based on the following preliminary concepts:

- Serve as a resource clearing house for Eastern tribes, for educators and for students concerned about Native issues; helping the University attain appropriate historical and social science resources about Natives, and providing support for curriculum development on campus; creating fact sheets and repeats about Native concerns; and becoming a repository of data for tribes in New England.
- Sponsoring a wide range of informal meetings among tribal leaders to identify common concerns facing Native Communities, and to develop a collaborative research and development agenda; and providing leadership to bring Eastern Tribe issues to the national audience about native issues.
- Sponsoring meetings with the general public, Massachusetts Legislators and other state/national elected and administrative leaders to discuss tribal issues in a non-lobbying format.
- Becoming a resource among national and regional academic/professional efforts to address Native issues, making contacts with other programs and institutes in the area to define our special niche -- local Native leadership and a participatory Culturally-based community development approach. The W.K. Kellogg Foundation awarded the Commission, in partnership with the UMass Boston CPCS, \$100,000 to initiate a University-based Institute. There is a 2/1 match over a 3 year period.

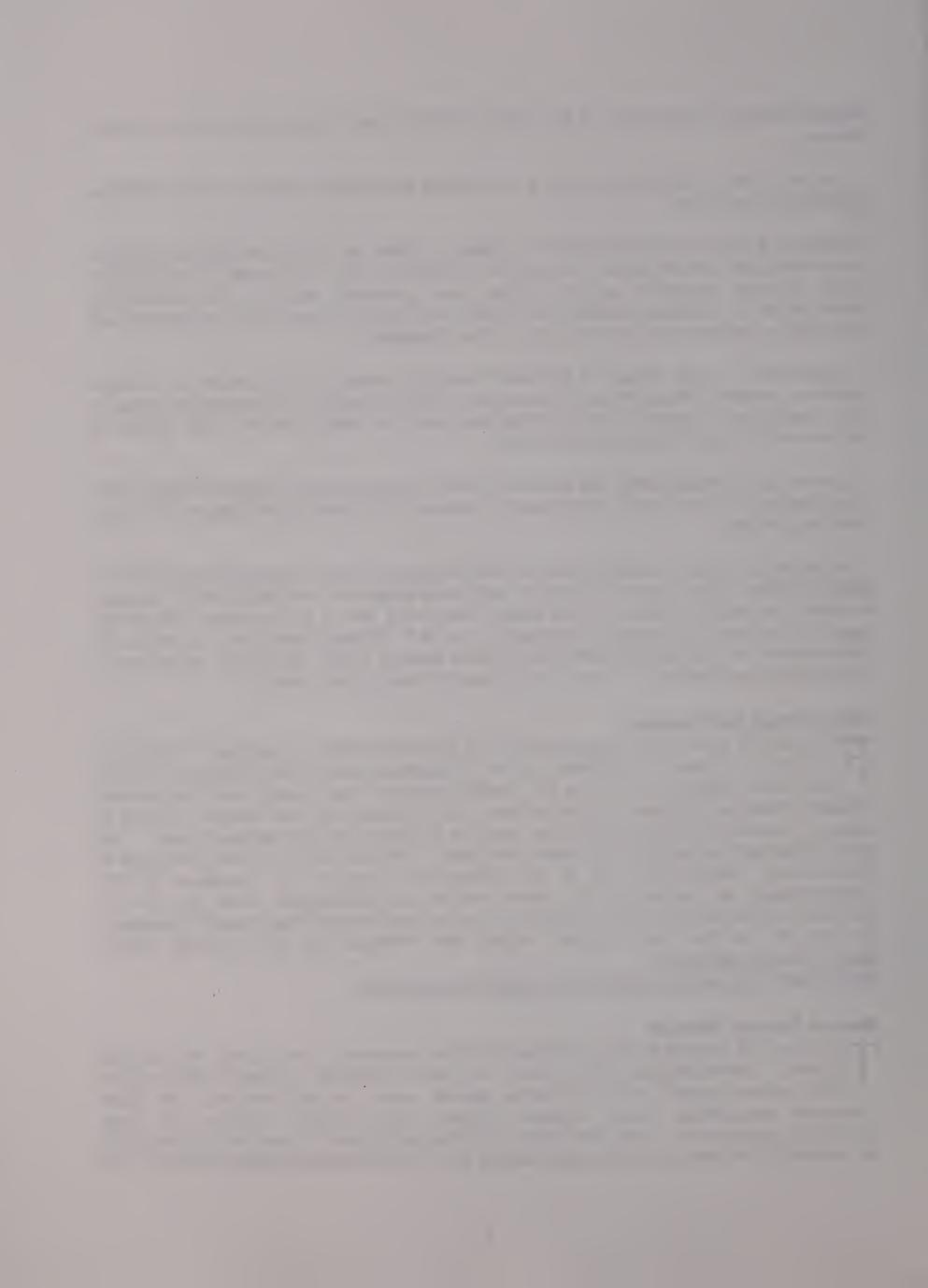
Educational Curriculum

For over 20 years the Commonwealth of Massachusetts' educational curriculum required a number of sections on the Wampanoag and other indigenous Native Americans history. For years the typical emphasis was during the Thanksgiving holidays when the Pilgrims met the Indians. The Wampanoag have always objected to this very narrow view of a people that lived on this land for thousands of years. We were challenged to produce alternative resources. For the past 12 years, members of Wampanoag Tribes, inclusive of the Executive Director and members of the Commissioner on Indian Affairs, have worked in collaboration with the Boston Children's Museum and Plimoth Plantation to develop and facilitate teacher institutes for schools in the New England region and websites for the general public. http://www.plimoth.org/

http://www.bostonkids.org/educators/teaching_kits.html

Boston Harbor Islands

There are 30 Islands within the Boston Harbor complex, all with their own unique history. Archeological surveys and oral history describe use and relationships that native people had with these islands over the millenniums and since European occupation there remains physical and written evidence of their contemporaneous use. Over the three and a half centuries of American Colonization the ownership of these islands varied among City, State, Municipal and individual and



uses included, educational, military, medical, penal, manufacturing, agriculture and residential to name a few. In 1996 legislation was proposed to bring the islands under the auspices of the U.S. National Park Service. With lobby and protest by a small group of Natives regarding some of the horrific treatment waged upon native people on these islands, amendments to the legislation required a native presence in the planning and operation of this unique National Park Partnership. The owners govern this partnership: city, state, individuals and related organizations, which also have representation on the advisory board on which there is a native component.

Deer Island Native American Memorial

ne island with specific well documented history is Deer Island during the period 1670's. As the story is told the Europeans came to this land with the belief that they had a god given right to take the possessions of non-christens. Pursuing that conquest, the relationships between the Indigenous and the Euros were reprehensible to some, and an effort to spare some of these savages was initiated through the Propagation of the Gospel. Indian Praying towns were set aside and protected from the colonial expansion and efforts to convert these savages within the European image began. Needless, to say the Indigenous grew angry with the European arrogance, leading to what became know as King Phillips War, the bloodiest war per-capita engaged on these shores. Despite of the Praying Indians peacefulness' and commitment to the Colonies, in an act of hatred and retaliation, the Indians of the Nipmuc Praying towns were militarily gathered chained and forcibly incarcerated on Deer Island during the winter months of 1675-76. Many died from starvation and exposure. Today Descendants of those that survived conduct annual ceremonies on this island and have committed to create a memorial to their ancestors. After years of organizational and planning meetings in December 2002 the Committee selected Lloyd Gray of the Onondaga Nation, currently residing in Worchester, to create the To date an ongoing fundraising campaign has been has been waged pursuing adequate funds to make this dream a reality.

Colonial Laws

Massachusetts is one of the original 13 Colonies and as such has been in the forefront of establishing Indian Policy, with some policies being replicated throughout the country. We see the praying town model instilled throughout Indian Country in the form of reservations, as well the destruction on the traditional native communal governments and ownership concepts through the imposition of Dawes Act, Dawes a Massachusetts Legislator. There were many laws written to control the Indigenous people and to date a few still remain on the books. Apparently in 1675 it was very disconcerting at the thought of natives walking the streets of Boston at night. To address this concern a law was passed making it illegal for Natives to be unsecured in Boston at night, granting permission to the citizens to arrest them. In 2004 an effort to repeal such laws was presented to the Boston City Council and the Mayor decreed that the law be repealed.

Protocol found in the State Constitutions requires that legislature repeal such laws however some legislators contend that such colonial law has already been repealed when it denies citizens their civil right.



Religious Freedom: Separation of Church and State

Tn April of 2003 the Commission was notified of the incorporation of the First Amerindian Spiritual Circle Church. The newly ordained Minister also informed of her title "Powwass Sachem, Medicine Woman" and that she was licensed and qualified to perform Native American Indian marriages and other cultural ceremonies. A fee structure for each type of ceremony was also included. As the announcement became know among Native communities question, concern and anger were prevalent attitudes. The topic was on a Commission agenda which called for an investigation of religious corporate processes, compliance of the organization, and a meeting with the Church's principals to ascertain their intentions as well as a discussion on the use of titles and other terminology. A meeting was held that included the Minister and Chairperson of the Organization with representatives of the Commission and a Tribal Representative. There was lengthy discussion on cultural propriety, the appropriate use of native spirituality, and leadership titles. There was contention with respect to the Commission's jurisdiction in this matter where as the Commonwealth's Constitution is specific with regard to separation of church and state. The Commission purported that its role was that of a facilitator, while the Tribal Representative cultural patrimony. After lengthy discussion and inspection documentation, it was agreed and confirmed that the Minister is ordained, licensed and qualified to perform marriages, birth blessings and funerals within the laws and statues of the Commonwealth of Massachusetts.

The Minister assured that it was not her intent to insult the Tribes, their Spiritual Leaders or the Native communities by using the title "Powwass Sachem". The Reverend expressed her understanding of the sanctity of the title and agreed in principle not to use this title.

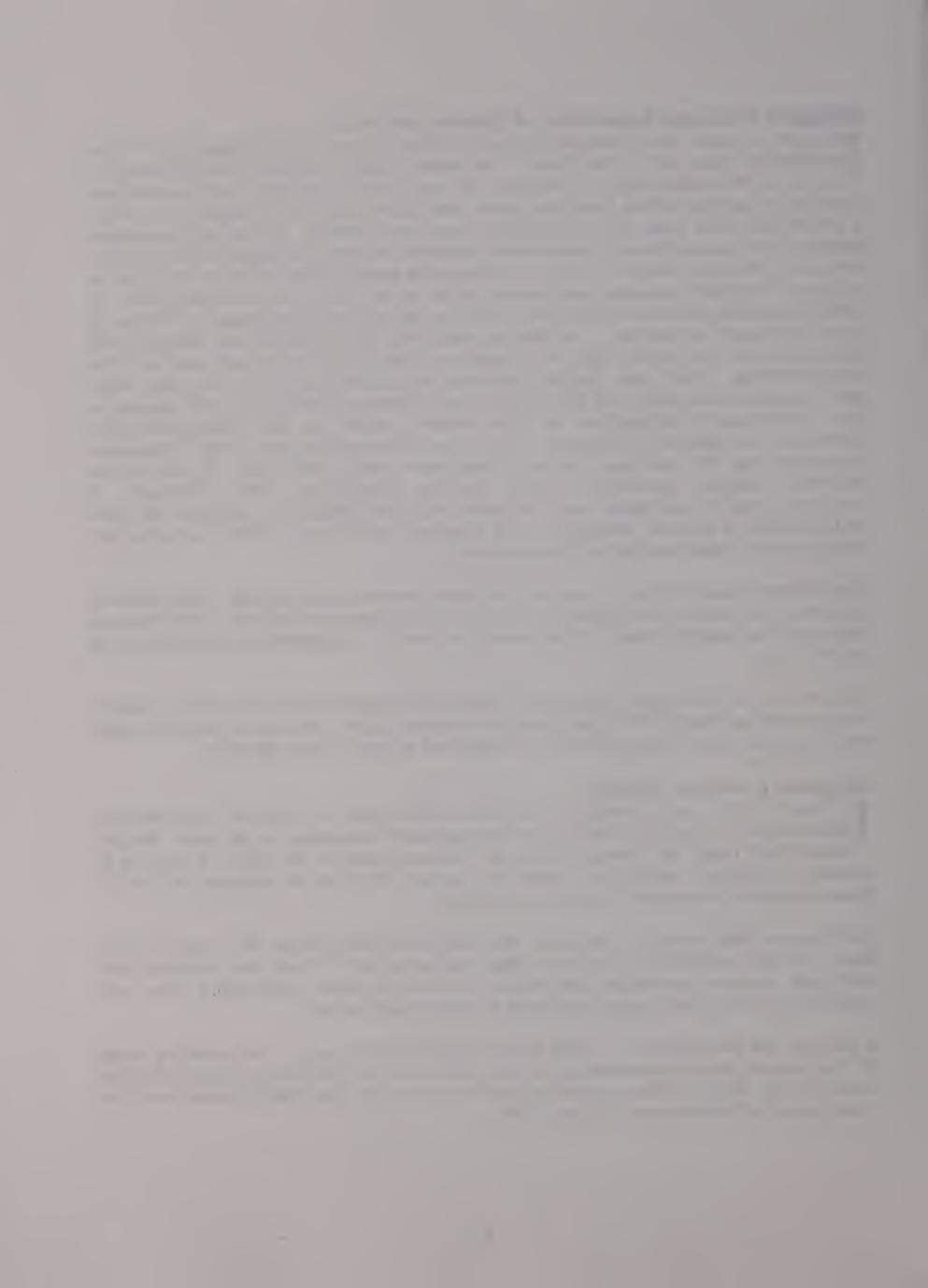
The meeting produced good exchange of ideas and suggestions and helped to create a better understanding of the Church and its mission. It was understood that any terms resulting from this meeting constitute a suggested remedy of this situation.

Religious Freedom: Prisons

In May of 2001 the Commission on Indian Affairs filed an Amicus brief with the Massachusetts Appeals Court as an informational addendum to the case: Randall Shield Wolf Trapp vs. Lawrence Dubois. This case asserts the rights of inmates to conduct traditional ceremonies under the Indian Freedom of Religion Act at the Massachusetts Correctional Institute at Gardner.

The Amicus Brief provided the court with additional information with regard to the Sweat Lodge Ceremony. Documentation was provided on how the ceremony and culturally oriented teachings has helped inmates in other institutions cope with incarceration and how it has contributed to their rehabilitation.

A hearing was held on Oct. 21, 2002 in Worcester Superior Court. The presiding Judge did not rule on the case because he felt that the parties should take the time to try and resolve their anxiety with amenable solution that both the Native people and the Department of Corrections could work with.



In December of 2002, a meeting was held among John Marshall and James Bender of the Dept of Corrections; Jim Peters, Mass Commission on Indian Affairs; Attorneys Peter d'Errico and Bob Doyle; and Ramona Peters, Mashpee Chief's Council. The discussion described some of the specifics in preparing and conducting a sweat lodge. There was dialogue on the Institutional environment and suggestions offered on how to adjust the ceremony to meet security concerns. Within a couple of months the DOC approved a plan to allow sweat lodge ceremonies in 3 facilities of which one was designated for women.

While we continue to have difficulty finding additional ceremony leaders, the sweats have taken place on a regular basis, with one exception. In 2004 the lodge built at the Maximum security facility in Shirley was placed in a location up wind of the facilities ventilation system. Consequently, whenever the fire was lit to heat the rocks the smoke would get drawn into the ventilation system. Because of the security protocols finding an alternative location for the lodge has apparently posed problems. The DOC is currently conducting tests on alternative locations within the facility.

Native Graves

During 2004 the Commission in conjunction with the State Archeologist investigated seven unmarked burial sites. This office continues to insist whenever possible to leave ancestors in, or near their original resting places. In most cases the property owners have been cooperative and have adjusted their plans or allowed re-interment elsewhere on their property. Because the State's unmarked burial law preceded Native Graves Protection Repatriation Act, and having only one Federal acknowledged tribe in the state this office has been actively involved in the implementation of a NAGPRA process in particular as it relates to non-federal acknowledged tribes. We are honored by the cultural commitment of the Wampanoag Tribe of Aquinnah who has posed as a compliance umbrella in the formation of the Wampanoag Confederation. The Confederation consisting of volunteers from selected tribes carryout the responsibility of repatriating and re-interring ancestors throughout the state. During 2004 the Confederation performed ceremony for nearly 100 Ancestors.

North American Indian Center of Boston (NAICOB)

The North American Indian Center of Boston, formerly the Boston Indian Council, has resided at 105 S. Huntington Ave. for over 30 years, a number of years under a lease, many more years under what may be considered adverse possession. However, one may want to consider the terms, it has been home for Boston's urban Indians for a long time. Over the past three years there has been some high level negotiating and politicking to determine the disposition of this home. To decide whether America's original people would again be displaced, succumbing to the highest and best use of such valuable property or honor these humble people and let them remain in this code deficient antiquated building of yesteryear. It is with great pleasure to announce that NAICOB will remain at 105 S. Huntington. However, the adjacent lot has been auctioned off and the organization will be responsible to bring their building up to code. They are currently conducting a major capital campaign to either replace the building or perform major renovations.



Federal Recognition

Acknowledgement to the Hassanamisco Nipmuc Tribe of Central Massachusetts. Within the first year of the Bush Administration that decision was reversed. The Nipmuc had been on active consideration for over 8 years and the Clinton decision was appropriate for a tribe that survived three and a half centuries of Colonial conquest. It's sister band, the Chaubunagungamaug, had also been denied acknowledgement. To date they are appealing those decisions.

The Mashpee Wampanoag Tribe of Cape Cod has been ready for active consideration since 1996. By 2001 the Tribe grew impatient with the long delays and successfully sued the US Dept. of Interior. The Judge ordered the BIA to move the Mashpee's to active consideration and render a preliminary determination in 6 months. The BIA was well on its way to make a decision on the Mashpee petition when US Court of Appeals stayed the lower courts decision. A hearing on the Appellate decision is scheduled for early 2005.

Settlement Acts vs. Tribal Sovereignty

In 1983 the Gay Head/Aquinnah Tribe of Martha's Vineyard agreed to a Settlement Act that extinguished the land claims suit that they filed seeking the return of their aboriginal land, an area set aside and protected from Colonial expansion in the 1600's. A condition of the Settlement Act was that they satisfy the criteria to be acknowledged as a Federal Tribe. In 1987 they were declared a Federal tribe and the terms of the Settlement Act went before Congress for ratification. Funds were appropriated to purchase the Tribe's land base. A Community Center and Tribal housing were constructed; access to programs and services became available. The components of a new government began to evolve.

Over the years the Tribe pursued a number of initiatives: health, education, welfare, economic development, some positive some negative. One enterprise, given their history and location, was deemed appropriate and has great potential. That enterprise An enterprise that they planned for years, including: is a shellfish hatchery. technological training, facility design, and marketing analysis. Permits were filed and ground was broken. Construction neared completion when it was realized that a pumping station was overlooked. While the hatchery facility was approved under the auspices of the Town of Aquinnah, it was decided that as a sovereign government they could issue their own building permit, particularly as their standards were generally similar or higher than that of the Town. The Town took issue with the Tribes action accusing them of usurping their authority. The Town's position was that the Tribes Settlement Act relinquished criminal and civil jurisdiction to the State therefore the Tribe was subject to their authority. The Tribe countered with Sovereign immunity and the Dukes County Superior Court Judge agreed with them. The Judges decision was appealed to the State Supreme Judicial Court who reversed the decision.

The Court wrote that the Tribe being granted Federal Recognition four years after the Land Settlement Agreement did not automatically trump the earlier agreement. The Justices wrote that the Tribe did not present any evidence that their negotiators were unsophisticated in making the land deal, nor were they hoodwinked into signing the agreement.



The Tribe's option was to appeal to the Supreme Court, and after a number of months considering of their options the Tribe decided to work with the Town and proceed with their enterprise.

Native American Tuition Waivers

ver the last two decades the Massachusetts Commission on Indian Affairs has assisted in the determination of eligibility of Native Americans in Massachusetts for tuition waivers at state colleges and universities. It is authorized by the Board of Higher Education to certify that individuals are of Native American descent and eligible for the tuition waiver. The Commission uses membership in a Massachusetts tribal group (tribe, band, or clan) that is acknowledged by the Commission as a legitimate, historical tribal group as a criterion for making recommendations about tuition waivers. In addition, the Commission uses official state and federal recognition status for issuing tuition waivers to individuals whose tribes are located outside of Massachusetts.

The student is required to fill out a one-page form and submit certain documents. Such documents include proof of acceptance to the college, proof of tribal membership, and proof of Massachusetts residency. Before the beginning of each semester, the Commission sends a letter to the respective colleges and universities with the names of students who have been certified (by the Commission) as being Native American.

A number of students are taking advantage of the tuition waiver for the summer sessions. While not all of the colleges accept it for the summer, we have found a few of them that do. Some of them include Bridgewater State College; Bristol Community College; Bunker Hill Community College; Framingham State College; Holyoke Community College; North Shore Community College; U Mass/Boston; U Mass/Dartmouth; and Worcester State College.

For the standards, guidelines and an application, please access our website: www.mass.gov/dhcd/components/Ind_Affairs/default.htm

We are happy to report that this year 169 Native American students benefited from the program.

Budget

The budget for fiscal year 2004 was \$92,976

Salaries: \$84,406

Travel Expenses: \$2,546 Commissioners Travel: \$500

Unemployment Insurance: \$1,688

Administrative Expenses & Supplies \$1,086

Re-interments \$2,750



